

AMMH'S RESPONSE TO EPA'S REQUEST FOR INFORMATION

AIMCO Michigan Meadows Holdings, LLC ("AMMH") hereby responds to EPA's Request for Information dated July 16, 2012 ("Request for Information"). For your convenience, we have repeated each individual Request below and then provided AMMH's response thereto. Responsive documents are enclosed in Appendices A-G, Bates Numbers AMMH000001 through AMMH003090.

General Objections

AMMH objects to each of the individual Requests included within EPA's Request for Information to the extent such Request is vague; imposes an undue burden on AMMH; calls for production of documents that are publicly available or otherwise readily available to EPA through other less burdensome means; requests legal conclusions; or seeks information or documents that are privileged pursuant to the attorney-client privilege, the work product doctrine or another cognizable legal theory.

In addition, AMMH notes that the Request for Information defines "Site" as the "West Vermont Drinking Water Contamination Superfund Site located in Indianapolis, Indiana," but does not describe or depict the geographic boundaries of the Site. In the absence of a meaningful definition of "Site" within the Request for Information, for the purposes of each and every Request, AMMH has assumed that the geographic boundaries of the Site are as depicted on the "Site Boundary Map" provided on EPA's website, <http://www.epa.gov/region5/cleanup/cossellvermont/index.html> (July 24, 2012) (last checked September 6, 2012). To the extent EPA intended some other definition of Site in a particular Request, AMMH objects to such Request on the grounds that it is unduly vague.

The objections described in the preceding paragraphs are hereinafter referred to as AMMH's General Objections.

1. Identify all persons consulted in the preparation of the answers to these Information Requests.

Response. AMMH objects to this Request as unduly burdensome and overbroad to the extent it seeks home contact information for listed individuals in the absence of any showing that EPA needs to contact these individuals and is unable to do so at their respective places of business. Moreover, to the extent that home contact information is already public information, it is readily available to EPA from other sources (e.g., the telephone directory).

Subject to, limited by, and without waiving this specific objection and AMMH's General Objections, which are incorporated herein by reference, AMMH responds as follows:

- a. Peter Cappel, Vice President of Environmental Health and Safety, Apartment Investment and Management Company ("AIMCO"), 4582 South Ulster Street Parkway, Suite 1100, Denver, CO 80237, (303) 691-4560.
 - b. Kristie Logan, Simpson Housing LLP, 8110 East Union Avenue, Suite 200, Denver, CO 80237, (303) 283-4100 (former AIMCO employee).
 - c. Nicholas Billings, Vice President and Assistant General Counsel, AIMCO, 4582 South Ulster Street Parkway, Suite 1100, Denver, CO 80237, (303) 691-4321.
 - d. John Mundell, Senior Environmental Consultant, Mundell & Associates, Inc. ("MUNDELL"), 110 South Downey Avenue, Indianapolis, IN 46219, (317) 630-9060.
 - e. Eric Hilty, Chief Legal Officer, National Multiple Sclerosis Society, 900 S. Broadway, Suite 210, Denver, CO 80209, (303) 698-7400 (former AIMCO employee).
 - f. Mark Breting, Senior Project Manager, MUNDELL, 110 South Downey Avenue, Indianapolis, IN 46219, (317) 630-9060.
 - g. Sarah Zottola, Tax Director, AIMCO, 4582 South Ulster Street Parkway, Suite 1100 Denver, CO 80237, (303) 691-4421.
 - h. Dan McInerney, Partner, Bose McKinney & Evans LLP, 111 Monument Circle, Suite 2700, Indianapolis, IN 46204, (317) 684-5102 (outside counsel to AMMH).
 - i. Scott Reisch, Partner, Hogan Lovells US LLP, 1200 Seventeenth Street, Suite 1500, Denver, CO 80202, (303) 899-7355 (outside counsel to AMMH).
- 2. Identify all documents consulted, examined or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.**

Response. AMMH objects to this Request on the grounds that it calls for the mental impressions of counsel in selecting documents for review. In addition, AMMH objects to this Request as overbroad and unduly burdensome to the extent it seeks copies of documents consulted or examined, but not relied upon, in preparing responses to this Request for Information.

Subject to, limited by, and without waiving these specific objections and AMMH's General Objections, which are incorporated herein by reference, AMMH responds as follows:

Responsive documents are identified in the relevant responses below and copies are enclosed in Appendices A-G, Bates Numbers AMMH000001 through AMMH003090.

- 3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional**

responsive documents, identify such persons.

Response. Subject to, limited by, and without waiving AMMH's General Objections, which are incorporated herein by reference, AMMH responds as follows:

None, other than the persons identified in AMMH's responses to the other Requests in the Request for Information.

4. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of hazardous substances by you, your contractors or by prior owners and/or operators.

Response. AMMH objects to this Request as unduly burdensome and overbroad to the extent it seeks home contact information for listed individuals in the absence of any showing that EPA both needs to contact these individuals and is unable to do so at their respective places of business. Moreover, to the extent that information is already public information, it is readily available to EPA from other sources (e.g., the telephone directory).

AMMH further objects to Request Number 4 as vague and unduly burdensome in that it is unlimited in time or place. In particular, the Request is vague and unduly burdensome because the term "prior owners and/or operators" is undefined and not linked to any period of time or location.

Subject to, limited by, and without waiving these specific objections and AMMH's General Objections, which are incorporated herein by reference, AMMH responds as follows:

AMMH does not know of any persons who have knowledge or information about the generation, transportation, treatment, disposal or other handling of hazardous substances by AMMH or AMMH's contractors at the Site or by prior owners and/or operators of the Site. However, AMMH understands that the following persons have been involved in the investigation of contamination at the Site:

- a. Sue Barto, Allison Transmission, 4700 West 10th Street, Indianapolis, IN 46222.
- b. Sarah Fisher, ARCADIS, 132 East Washington Street, Suite 600, Indianapolis, IN 46204, (317) 231-6500.
- c. Andy Gremos, Principal Consultant, ENVIRON, One Indiana Square, Suite 2550, Indianapolis, IN 46204, (317) 803-4605 (former Keramida employee).
- d. Bob Lewis, Environmental, Safety, and DOT Compliance Manager, Genuine Parts Company ("Genuine Parts"), 2999 Circle 75 Parkway, Atlanta, GA 30339.

- e. Adam Rickert, Department of Water Quality and Hazardous Materials Management, Marion County Health Department, 3838 N. Rural Street, Indianapolis, IN 46205, (317) 221-2298.
- f. Pam Thevenow, Department of Water Quality and Hazardous Materials Management, Marion County Health Department, 3838 N. Rural Street, Indianapolis, IN 46205, (317) 221-2266.
- g. Brian Schlieger, EPA, Superfund Division, 77 West Jackson Boulevard, Mail Code: SE-5J, Chicago, IL 60604-3507, (734) 740-9011.
- h. Donald Heller, EPA, Region 5, 77 West Jackson Boulevard, Mail Code: LU-9J, Chicago, IL 60604-3507, (312) 353-1248
- i. Paul Atkociunas, EPA, Region 5, 77 West Jackson Boulevard, Mail Code: LU-9J, Chicago, IL 60604-3507, (312) 886-7502.
- j. Shelly Lam, EPA, 2525 North Shadeland Avenue, Indianapolis, IN 46219.
- k. David Favero, Ameritech, contact information unknown.
- l. Bill Holland, Voluntary Remediation Program, IDEM, 100 North Senate Avenue, Indianapolis, IN 46204, (317) 234-0967.

In the event that Request Number 4 seeks information about activities at the properties formerly owned by AMMH at 3800 West Michigan Street, Indianapolis, Indiana ("Michigan Meadows Apartments") and 3801-3823 West Michigan Street, Indianapolis, Indiana ("Michigan Plaza"), AMMH believes the following persons may have knowledge or information about the generation, transportation, treatment, disposal or other handling of hazardous substances by AMMH, its contractors or "prior owners and/or operators":

- A. Peter Cappel, Vice President of Environmental Health and Safety, AIMCO, 4582 South Ulster Street Parkway, Suite 1100, Denver, CO 80237.
- B. John Mundell, Senior Environmental Consultant, MUNDELL, 110 South Downey Avenue, Indianapolis, IN 46219, (317) 630-9060.
- C. Sarah Webb, L.P.G., Project Hydrogeologist, Acuity Environmental Solutions, 7965 East 106th Street, Fishers, IN 46038, (317) 570-4919 (former MUNDELL employee).
- D. Mark Breting, Senior Project Manager, MUNDELL, 110 South Downey Avenue, Indianapolis, IN 46219, (317) 630-9060.
- E. Andy Dammeyer, Field Services Specialist, MUNDELL, 110 South Downey Avenue,

Indianapolis, IN 46219, (317) 630-9060.

- F. Jason Loughheed, P.E., Environmental Engineering Department Manager, Loughheed and Associates, 1750 East 56th Street, Indianapolis, IN 46220, (317) 590-0521 (former MUNDELL employee).
- G. Chris Jaros, Senior Project Manager, EnviroForensics, 602 North Capitol Avenue, Suite 210, Indianapolis, IN 46204, (866) 888-7911 (former MUNDELL employee).
- H. Leena Lothe, Environmental Health and Safety Professional, General Electric, Bangalore, India, +91 (80) 4012 1000 (former MUNDELL employee).
- I. Stephen Evanoff, Vice President, EHS, Danaher Corporation, 5600 Lindbergh Drive, Loveland, CO 80538, (970) 633-1377 (former AIMCO employee).
- J. Richard Harris, Section Chief, Voluntary Remediation Program, IDEM, 100 North Senate Avenue, Indianapolis, IN 46204, (317) 232-8603.
- K. Carmen Anderson, Project Manager, Voluntary Remediation Program, IDEM, 100 North Senate Avenue, Indianapolis, IN 46204, (317) 234-5344.
- L. Erin Brittain, contact information unknown (former IDEM employee).

The last known contact information for the prior managers and tenants of Michigan Meadows Apartments and Michigan Plaza of which AMMH is aware have been provided in tables included in AMMH's response to Request Number 7. AMMH does not know whether these entities do in fact have knowledge of the generation, transportation, treatment, disposal or other handling of hazardous substances by AMMH, its contractors or "prior owners and/ or operators," but has nonetheless provided the last known contact information. Please refer to AMMH's response to Request Number 7.

5. Describe the nature of your activities or business at the Site.

Response.

Subject to, limited by, and without waiving AMMH's General Objections, which are incorporated herein by reference, AMMH responds as follows:

AMMH does not conduct, and has not conducted, any activities at the Site, except that its contractor, MUNDELL, has conducted the following investigative work at the Site:

- MUNDELL completed a 2D resistivity profile line survey along Michigan Street on April 21, 2011.
- MUNDELL obtained water level measurements from the U.S. EPA Cossell - Vermont Street well network (MW-WES-01a, MW-WES-01b, MW-WES-01c, MW-WES-02a, MW-WES-02b, MW-WES-02c, MW-WES-03a, MW-WES-03b, MW-WES-04a, MW-WES-04b, MW-WES-05a, MW-WES-05b, MW-WES-05c) on January 18, 2012, April 23, 2012, and July 30, 2012.
- MUNDELL also obtained water level measurements from a subset of the U.S. EPA wells (MW-WES-01a, MW-WES-01b, MW-WES-01c, MW-WES-02a, MW-WES-02b, MW-WES-02c, MW-WES-05a, MW-WES-05b, and MW-WES-05c) on June 22, 2012.

In addition to these activities at the Site, from December 30, 1999 through May 8, 2008, AMMH owned two properties across Holt Road from the Site: the Michigan Meadows Apartments, located at 3800 West Michigan Street, and Michigan Plaza, located at 3801-3823 West Michigan Street.

At Michigan Meadows Apartments, AMMH owned a 253-unit apartment complex, and at Michigan Plaza it owned a one-story commercial building that was leased to various local businesses, including Village Pantry Grocery, Marion County Public Library, Allstate Insurance Sales, National Handicap Workshop, Woods & Graham Shopping Center (used furniture and goods), Zacatecas Mexican Grocery, Bustin' Bubbles (coin laundromat), and Family Laundry (coin laundromat). Documentation of these leases is included in Appendix A, Bates Numbers AMMH000001 through AMMH000177.

AMMH does not believe that EPA is interested in the terms of leases with individual apartment tenants at the Michigan Meadows Apartments, and thus has not supplied those leases here.

6. State the dates during which you owned, operated or leased the Site and provide copies of all documents evidencing or relating to such ownership, operation or lease arrangement (e.g., deeds, leases, etc.).

Response. Subject to, limited by, and without waiving AMMH's General Objections, which are incorporated herein by reference, AMMH responds as follows:

AMMH does not and has not owned, operated or leased the Site.

As described in response to Request Number 5, between December 29, 1999 and May 8, 2008, AMMH owned the Michigan Meadows Apartments and Michigan Plaza properties across Holt Road from the Site. AMMH acquired the Michigan Meadows Apartments and Michigan Plaza properties from David C. Eades and Roy H. Lambert. Documentation of that acquisition is included in Appendix B.1, Bates Numbers AMMH000178 through AMMH000696.

Concurrent with AMMH's acquisition of the Michigan Meadows Apartments and Michigan Plaza properties, on December 29, 1999, AIMCO Holdings, L.P. acquired all of the general partner interests in Regency Michigan Meadows Limited Partnership ("RMMLP") and AIMCO Michigan Meadows, L.L.C. acquired all of the limited partner interests in RMMLP. Documentation of this transaction is included in Appendix B.2, Bates Numbers AMMH000697 through AMMH000720.

Although certain of the documents included in Appendix B indicate that RMMLP would own or had owned the Michigan Meadows Apartments and Michigan Plaza properties, AMMH's review indicates that RMMLP never did own the properties. Indeed, when the Michigan Meadows Apartments and Michigan Plaza properties were acquired by AMMH, the deed came from Messrs. Eades and Lambert, not from RMMLP.

While AMMH owned the Michigan Meadows Apartments and Michigan Plaza, both properties were leased out, as described in Response to Request 5.

On May 8, 2008, as part of a corporate reorganization, AMMH quitclaimed the deed to the Michigan Meadows Apartments and Michigan Plaza properties to AIMCO Michigan Apartments, LLC, a Delaware limited liability company. Documentation of this transaction is included in Appendix B.3, Bates Numbers AMMH000721 through AMMH000769.

Several months after the corporate reorganization, on October 10, 2008, AIMCO Michigan Apartments, LLC sold the Michigan Meadows Apartments and Michigan Plaza properties to GenNx Properties VI, LLC and GenNx Properties VII, LLC, respectively. The purchase and sale agreements associated with those transactions are included in Appendix B.4, Bates Numbers AMMH000770 through AMMH000943. Additional documentation concerning those transactions is included in Appendix B.5, Bates Numbers AMMH000944 through AMMH000961.

7. Identify the prior operators, including lessors, of the Site. For each such operator, further identify:

- a) The dates of operation;**
- b) The nature of prior operations at the Site;**
- c) The nature of the relationship between A[MMH] [sic] and the prior operator.**
- d) Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface) or air testing undertaken; and**
- e) All persons with information relating to these releases.**

Response. AMMH objects to this Request as unduly vague because the reference to "each

release" in paragraph (d) is not linked to any geographic area. AMMH further objects to this Request to the extent that it seeks a legal conclusion as to which entities are "prior operators" of the Site.

Subject to, limited by, and without waiving these specific objections and AMMH's General Objections, which are incorporated herein by reference, AMMH responds as follows:

(a)-(e): Included in Appendix C is a table entitled "Upgradient Area Potential Sources of Contamination [sic] Search," developed by MUNDELL to list historical uses of properties in and near the Site ("MUNDELL Table 1"). Apart from MUNDELL Table 1, AMMH has no other information regarding "operators" of the Site prior to AMMH's ownership, except that AMMH believes that information regarding the identities of persons who "operated" the Site or the nature of their "operations" may be available in historic city directories, Sanborn maps, land title records, property tax files, and building department records that are otherwise available to EPA. Other than as provided in MUNDELL Table 1, AMMH does not have any knowledge regarding the dates of or nature of prior operations at the Site. AMMH does not have any relationship with "prior operators" of the Site. AMMH has not conducted, and is not aware of, any investigations regarding releases by "prior operators" at the Site, with the possible exception of (i) the investigations conducted by AMMH that are described in response to Request Number 5 and (ii) investigations conducted by EPA and others, which AMMH believes are already in EPA's possession or readily accessible through IDEM's Virtual File Cabinet, an online database providing access to public records on facilities, accessible at <http://www.in.gov/idem/6551.htm>. AMMH is not aware of any person who has information regarding releases by "prior operators" at the Site, but please see AMMH's response to Request Number 4 regarding persons who may have knowledge of investigations of releases at the Site.

In addition to the above information regarding the Site, AMMH offers the following information regarding the Michigan Meadows Apartments and Michigan Plaza properties located across Holt Road from the Site:

Michigan Meadows Apartments

AMMH offers the following information regarding the entity that managed the Michigan Meadows Apartments property prior to AMMH's ownership of that property:

Manager	Date(s)	Source(s)	Nature of Operations	Last Known Contact Information	Relationship to AMMH
Regency Windsor Management,	Some time prior to December 29,	Assignment of Management Assets, dated	Leasing of residential apartments	Regency Windsor Companies,	None

Manager	Date(s)	Source(s)	Nature of Operations	Last Known Contact Information	Relationship to AMMH
Inc.	1999	December 29, 1999		8500 North Keystone Avenue, Suite 530, Indianapolis, IN 46240, (317) 257-4944	

AMMH has not conducted, and is not aware of, any investigations regarding releases at Michigan Meadows Apartments, other than those that are already in EPA's possession (e.g., reports submitted on behalf of Genuine Parts) or available on IDEM's Virtual File Cabinet,¹ <http://www.in.gov/idem/6551.htm>.²

In addition, please see AMMH's response to Request Number 4, wherein AMMH has listed all persons it believes may have knowledge or information about the generation, transportation, treatment, disposal or other handling of hazardous substances by AMMH, AMMH's contractors or by "prior owners and/or operators." AMMH believes that these same persons may have information regarding investigations of releases at the Michigan Meadows Apartments property. In addition, as releases from the Genuine Parts facility have impacted the Michigan Meadows Apartments property, Genuine Parts may have such information.³

Michigan Plaza

AMMH offers the following information regarding the entity that managed the Michigan Plaza property prior to AMMH's ownership of that property:

Manager	Date(s)	Source(s)	Nature of Operations	Last Known Contact Information	Relationship to AMMH
----------------	----------------	------------------	-----------------------------	---------------------------------------	-----------------------------

¹ Although AMMH believes that it submitted to IDEM an Air Quality Monitoring Report, dated January 18, 2002, and a Phase I Environmental Site Assessment for the Michigan Meadows Apartments, dated December 29, 2003, AMMH was unable to find either document in IDEM's Virtual File Cabinet. Thus, a copy of each document has been included in Appendix C.

² Reports submitted to IDEM on behalf of Genuine Parts may be available on IDEM's Virtual File Cabinet, <http://vfc.idem.in.gov/Pages/Public/SearchResults.aspx?RegId=17598&DBSource=TEMPO>.

³ Genuine Parts Company, 700 North Olin Avenue, Indianapolis, IN 46222.

Manager	Date(s)	Source(s)	Nature of Operations	Last Known Contact Information	Relationship to AMMH
Regency Windsor Management, Inc.	some time prior to December 29, 1999	Assignment of Management Assets, dated December 29, 1999	Commercial complex, individual spaces rented to commercial lessees (see table below)	Regency Windsor Companies, 8500 North Keystone Avenue, Suite 530, Indianapolis, IN 46240, (317) 257-4944	None

In addition, AMMH has the following information regarding tenants of the Michigan Plaza property prior to AMMH's acquisition of that property. AMMH's information regarding the years during which each tenant leased the parcel in question is based on publicly available documents and historical leases, but is incomplete. For example, based on the EDR city directory, provided as an appendix to the (i) Phase I Environmental Site Assessment of 3800 West Michigan Street (Michigan Meadows Apartments); and (ii) Phase I Environmental Site Assessment of 3801-3823 West Michigan Street (Michigan Plaza), both prepared by MUNDELL in 2003, AMMH believes that Short Stop Market was a tenant at the 3801 W. Michigan parcel in 1973 and in 1978, but AMMH does not have any knowledge as to whether Short Stop Market was a tenant at the property prior to 1973, between 1973 and 1978, or after 1978.

Tenant	Date(s)	Source(s)	Nature of Operations	Last Known Contact Information (other than the Michigan Plaza address)	Relationship to AMMH
3801 W. Michigan					
Short Stop Market	1973, 1978	MUNDELL Phase I ESA (Michigan Plaza),	Market		None

Tenant	Date(s)	Source(s)	Nature of Operations	Last Known Contact Information (other than the Michigan Plaza address)	Relationship to AMMH
		MUNDELL Phase I ESA (Michigan Meadows Apartments)			
Marsh Village Pantry and its successor-in-interest, Village Pantry Grocery	1980, 1986, 1988, 1999, 2000, 2002, 2003, 2004, 2008	lease agreement and amendments thereto, Regency Windsor management rent roll ("rent roll"), MUNDELL Phase I ESA (Michigan Plaza), MUNDELL Phase I ESA (Michigan Meadows Apartments), commercial lease abstract, August Mack Phase I ESA	Grocery	Marsh Village Pantries Inc., 501 Depot Street, Yorktown, IN 47396	Tenant during at least some portion of AMMH's ownership
3805 W. Michigan					
Michigan Plaza Pharmacy	1969-1976	MUNDELL Phase I ESA (Michigan Plaza), MUNDELL	Pharmacy		None

Tenant	Date(s)	Source(s)	Nature of Operations	Last Known Contact Information (other than the Michigan Plaza address)	Relationship to AMMH
		Phase I ESA (Michigan Meadows Apartments), MUNDELL Table 1			
Vacant	1978	MUNDELL Phase I ESA (Michigan Plaza), MUNDELL Phase I ESA (Michigan Meadows Apartments)	None		Not applicable
Tyndall's Health Club	1979	MUNDELL Table 1	Unknown		None
Alpha I Dog Training Center/E-Z Rentals, Inc.	1984/1987-1988	MUNDELL Table 1	Unknown		None
Marion County Public Library-Public Branch	1996, 1999, 2000, 2002	lease agreement, rent roll, MUNDELL Phase I ESA (Michigan Plaza), MUNDELL Phase I ESA (Michigan Meadows	Library	Indianapolis – Marion County Public Library, P.O. Box 211, Indianapolis, IN 46206	Tenant during at least some portion of AMMH's ownership

Tenant	Date(s)	Source(s)	Nature of Operations	Last Known Contact Information (other than the Michigan Plaza address)	Relationship to AMMH
		Apartments)			
3807 W. Michigan					
Sherry Lynn Beauty Shop	1969	MUNDELL Table 1	Beauty shop		None
Vacant	1973	MUNDELL Phase I ESA (Michigan Plaza), MUNDELL Phase I ESA (Michigan Meadows Apartments)	None		Not applicable
Plaza Boutique Salon	1970-1972, 1975-1978	MUNDELL Phase I ESA (Michigan Plaza), MUNDELL Phase I ESA (Michigan Meadows Apartments), MUNDELL Table 1	Salon		None
3809 W. Michigan					
Michigan Plaza Barber Shop	1970-1971	MUNDELL Table 1	Barber shop		None
Vacant	1973, 1978	MUNDELL	None		Not applicable

Tenant	Date(s)	Source(s)	Nature of Operations	Last Known Contact Information (other than the Michigan Plaza address)	Relationship to AMMH
		Phase I ESA (Michigan Plaza), MUNDELL Phase I ESA (Michigan Meadows Apartments)			
Pizza Time	1979-1980	MUNDELL Table 1	Restaurant		None
Mc Cloud Pest Control	1985-1988	MUNDELL Phase I ESA (Michigan Plaza), MUNDELL Phase I ESA (Michigan Meadows Apartments), MUNDELL Table 1	Pest control		None
Allstate Insurance Sales (through Charles Fitts and Cheryl Amonett)	1997, 1999, 2000	lease agreement, rent roll, MUNDELL Phase I ESA (Michigan Plaza), MUNDELL Phase I ESA (Michigan Meadows Apartments)	Insurance agency		Tenant during at least some portion of AMMH's ownership

Tenant	Date(s)	Source(s)	Nature of Operations	Last Known Contact Information (other than the Michigan Plaza address)	Relationship to AMMH
3811 W. Michigan					
Shandys Hosiery Shop	1969	MUNDELL Table 1	Hosiery		None
3815 W. Michigan					
Cloverleaf Farms, Inc.	1969-1971	MUNDELL Table 1	Real estate		None
Indianapolis Marion County Public Library	1973-1988, 2000	MUNDELL Phase I ESA (Michigan Plaza), MUNDELL Phase I ESA (Michigan Meadows Apartments), MUNDELL Table 1	Library		Tenant during at least some portion of AMMH's ownership
National Handicap Workshop	1996, 1999, 2000	lease agreement, rent roll, MUNDELL Phase I ESA (Michigan Plaza), MUNDELL Phase I ESA (Michigan Meadows Apartments)	Telemarketing of National Handicap Workshop, Inc.		Tenant during at least some portion of AMMH's ownership

Tenant	Date(s)	Source(s)	Nature of Operations	Last Known Contact Information (other than the Michigan Plaza address)	Relationship to AMMH
3817 W. Michigan					
John L. Cox	1973, 1978, 1986	MUNDELL Phase I ESA (Michigan Plaza), MUNDELL Phase I ESA (Michigan Meadows Apartments)	Unknown; potentially office space according to the Phase I investigation		None
3819 W. Michigan					
Neff Cleaners	1970	MUNDELL Table 1	Dry cleaning		None
Accent Cleaners	1971-1988, 1991, July 1995	MUNDELL Phase I ESA (Michigan Plaza), MUNDELL Phase I ESA (Michigan Meadows Apartments), lease agreement, August Mack Phase I ESA, MUNDELL Table 1	Dry cleaning	Charles Dodson, 4711 Laurel Circle, Indianapolis, IN 46226	None, <i>see</i> Order Denying Motion to Dismiss in <i>AIMCO Michigan Meadows Holdings, LLC v. Genuine Parts Co.</i> , 1:05-cv-088-LJM-WTL (S.D. In. Mar. 30, 2006), attached in Appendix C.
Woods &	1998, 1999	lease	Retail of used	Jessie Woods,	Tenant during

Tenant	Date(s)	Source(s)	Nature of Operations	Last Known Contact Information (other than the Michigan Plaza address)	Relationship to AMMH
Graham Shopping Center		agreement, rent roll	furniture and used goods	Girlee Woods	at least some portion of AMMH's ownership
3823 W. Michigan					
Michigan Plaza Coin Laundry	1969-1988, 1991	MUNDELL Phase I ESA (Michigan Plaza), MUNDELL Phase I ESA (Michigan Meadows Apartments), August Mack Phase I ESA, MUNDELL Table 1	Laundromat		None
Bustin Bubbles Laundry	1999, 2000	lease agreement, rent roll, MUNDELL Phase I ESA (Michigan Plaza), MUNDELL Phase I ESA (Michigan Meadows Apartments)	Laundromat	Nathanial Washington	Tenant during at least some portion of AMMH's ownership

AMMH has not conducted, and is not aware of, any investigations regarding releases by "prior operators" at Michigan Plaza, other than those that are already in EPA's possession

(e.g., reports submitted on behalf of Genuine Parts) or available on IDEM's Virtual File Cabinet, <http://www.in.gov/idem/6551.htm>.

In addition, please see AMMH's response to Request Number 4, wherein AMMH has listed all persons it believes may have knowledge or information about the generation, transportation, treatment, disposal or other handling of hazardous substances by AMMH, AMMH's contractors or by" prior owners and/or operators." AMMH believes that the same persons may have information regarding investigations of releases by "prior operators" at the Michigan Plaza property. In addition, as described before, releases from the Genuine Parts facility have impacted the Michigan Meadows Apartments property, and so Genuine Parts may have such information.

Documentation referenced in the "source" column in the tables provided above is included in Appendix C, Bates Numbers AMMH000962 through AMMH002196. In addition, the leases referenced in the table above can be found in Appendix A, Bates Numbers AMMH000001 through AMMH000177.

8. Please provide an account of when, why and how Aimco Michigan Meadows Holding, LLC (Respondent or AMMH) was created, and provide documentation of its corporate status.

Response. Subject to, limited by, and without waiving AMMH's General Objections, which are incorporated herein by reference, AMMH responds as follows:

AMMH was formed pursuant to a Limited Liability Company Agreement dated August 5, 1999. As provided in section 2.4 of the Limited Liability Company Agreement, AMMH was formed for the purpose of conducting any business, enterprise, or activity permitted under the Delaware Limited Liability Company Act, which would include holding title to the Michigan Meadows Apartments and Michigan Plaza properties. A Certificate of Formation for AMMH was filed with the State of Delaware Office of the Secretary of State on August 5, 1999. AMMH then submitted an application for a Certificate of Authority of a Foreign Limited Liability Company with Office of the Secretary of State of the State of Indiana on August 6, 1999 to allow it to transact business in the state of Indiana. This application was approved on August 12, 1999.

AMMH is currently a limited liability company in good standing in Delaware, and has paid its annual taxes to date.

Documentation regarding the creation of AMMH and its corporate status is included in Appendix D, Bates Numbers AMMH002197 through AMMH002223.

9. Identify all the current employees of AMMH by providing their names, titles and contact information.

Response. Subject to, limited by, and without waiving AMMH's General Objections, which are incorporated herein by reference, AMMH responds as follows:

AMMH has no employees.

10. Identify all of AMMH's former employees, by name and title.

Response. Subject to, limited by, and without waiving AMMH's General Objections, which are incorporated herein by reference, AMMH responds as follows:

AMMH has never had any employees.

11. Describe all arrangements that AMMH may have or may have had with each of the following companies, entities and persons:

- a) **Aimco**
- b) **GenNX Properties VII**
- c) **Genuine Parts**
- d) **John Mundell & Associates**
- e) **Indiana Department of Environmental Management**

Response. Subject to, limited by, and without waiving AMMH's General Objections, which are incorporated herein by reference, AMMH responds as follows:

a) Aimco

AIMCO and AMMH are both parties to the Distribution and Contribution Agreement, dated May 8, 2008, and the First Amendment to Distribution and Contribution Agreement, dated July 21, 2008, pursuant to which AMMH transferred the Michigan Apartments and Michigan Plaza to AIMCO Michigan Apartments, LLC. A copy of each of these documents is included in Appendix B.3, Bates Numbers AMMH000721 through AMMH000744.

b) GenNX Properties VII

On August 1, 2008, AIMCO Michigan Apartments, LLC entered into a Limited Access Agreement with GenNx Housing Fund VI, LLP and GenNx Housing Fund VII, LLP, allowing the GenNx entities to enter the property to conduct investigations of Michigan Meadows Apartments and Michigan Plaza properties associated with the then-potential purchase by the GenNx entities of the properties. A First Amendment and Reinstatement to the Limited Access Agreement was entered into by the parties on August 11, 2008, and the Second Amendment and Reinstatement to the Limited Access Agreement was entered into by the parties on August 18, 2008.

On October 10, 2008, AIMCO Michigan Apartments, LLC entered into a purchase and sale

contract to sell the Michigan Meadows Apartments property to GenNX Properties VI, LLC. That same day, AIMCO Michigan Apartments, LLC also entered into a purchase and sale contract to sell the Michigan Plaza property to GenNX Properties VII, LLC. A copy of each purchase and sale contract is included in Appendix B.4, Bates Numbers AMMH000770 through AMMH000943.

In connection with the sale of Michigan Meadows Apartments and Michigan Plaza by AIMCO Michigan Apartments, LLC to GenNx Properties VI, LLC and GenNx Properties VII, LLC, respectively, on October 15, 2008, AIMCO Michigan Apartments, LLC and AMMH entered into a post-closing access agreement with GenNx Properties VI, LLC and GenNx Properties VII, LLC, allowing both AIMCO entities access to the Michigan Meadows Apartments and Michigan Plaza properties in order to complete the remediation of those properties.

In addition, on October 15, 2008, AIMCO Michigan Apartments, LLC and AMMH executed an Assignment and Assumption Agreement, in favor of GenNx Properties VI, LLC and GenNx Properties VII, LLC, with respect to the Access Agreement entered into by and between AMMH and Genuine Parts on January 4, 2002.

AIMCO Michigan Apartments, LLC and GenNx Properties VI, LLC and GenNx Properties VII, LLC also entered into (1) general assignment and assumption agreements, providing for GenNx Properties VI, LLC and GenNx Properties VII, LLC to assume liabilities and obligations in connection with the transaction, and (2) assignment and assumption of leases and security deposits agreements.

Documentation concerning these agreements is included in Appendix E.1, Bates Numbers AMMH002224 through AMMH002280.

c) Genuine Parts

On January 4, 2002, AMMH and Genuine Parts entered into an Access Agreement that granted Genuine Parts a temporary license to enter the Michigan Meadows Apartments and Michigan Plaza properties for the purpose of performing certain environmental testing. A copy of this Agreement is attached in Appendix E.2, Bates Numbers AMMH002281 through AMMH002285.

On November 8, 2006, AMMH and Genuine Parts entered into a Settlement Agreement, Indemnification, and Mutual Release. A copy of this Agreement is attached in Appendix E.2, Bates Numbers AMMH002286 through AMMH002291.

d) John Mundell & Associates

John Mundell & Associates was initially retained by Bose McKinney & Evans LLP, counsel to AMMH and related entities, in 2001. Because the purpose of the retention was and is to aid Bose McKinney & Evans in providing legal advice to its clients and in anticipation of litigation, the nature of the "arrangement" and the documents evidencing it are privileged and confidential, and are not being produced on that basis.

e) Indiana Department of Environmental Management

AMMH is a party to a Voluntary Remediation Agreement with IDEM dated April 20, 2007. A copy is attached in Appendix E.3, Bates Numbers AMMH002292 through AMMH002373.

12. Provide copies of all records of all communications sent to or received from John Mundell & Associates regarding the Site, including but not limited to emails, reports, telephone logs, letters, memoranda, and handwritten notes, invoices, and records of payments.

Response. AMMH objects to Request No. 12 to the extent it seeks confidential communications between AMMH, its counsel and MUNDELL. As discussed above, MUNDELL was retained by AMMH's counsel, Bose McKinney & Evans in 2001 to assist it in providing legal advice to AMMH and in anticipation of litigation. Accordingly, the records of communications between MUNDELL and AMMH or AMMH's counsel are privileged under the attorney client privilege and the work product doctrine.

Subject to, limited by, and without waiving this specific objection and AMMH's General Objections, which are incorporated herein by reference, AMMH responds as follows:

AMMH has no non-privileged records of communication with MUNDELL regarding the Site, other than (i) documents already in EPA's possession, (ii) certain of the reports and other documentation submitted by MUNDELL to the Indiana Department of Environmental Management, which can be obtained online in IDEM's Virtual File Cabinet,⁴ <http://www.in.gov/idem/6551.htm>; and (iii) e-mails between MUNDELL and IDEM regarding the Site provided in Appendix F, Bates Numbers AMMH002374 through AMMH002974.

13. Provide copies of all documents of all records of communications sent to, or received from, the Indiana Department of Environmental Management (IDEM) regarding the Site, including but not limited to emails, reports, telephone logs, letters, memoranda, and

⁴ As noted in footnote 1, *supra*, although AMMH has records that it submitted to IDEM an Air Quality Monitoring Report, dated January 18, 2002, and a Phase I Environmental Site Assessment for the Michigan Meadows Apartments, dated December 29, 2003, AMMH was unable to find either document upon its review of the documents provided on IDEM's Virtual File Cabinet. A copy of each document has been provided in Appendix C.

handwritten notes, invoices, and records of payments.

Response. AMMH objects to Request No. 13 to the extent it seeks production of documents subject to the attorney-client privilege, work product doctrine, and other cognizable legal privileges. Subject to, limited by, and without waiving this specific objection and AMMH's General Objections, which are incorporated herein by reference, AMMH responds as follows:

Appendix F includes documentation of communications sent to AMMH from IDEM or received from IDEM by AMMH regarding the Site. See Bates Numbers AMMH002374 through AMMH002974.

14. Provide copies of all documents of all communications sent to AIMCO by AMMH or received from Aimco by AMMH, LLC regarding the Site, including but not limited to emails, reports, telephone logs, letters, memoranda, and handwritten notes, invoices, and records of payments.

Response. Subject to, limited by, and without waiving AMMH's General Objections, which are incorporated herein by reference, AMMH responds as follows:

AMMH has not identified any documents or communications sent to AIMCO by AMMH or received from AIMCO by AMMH regarding the Site, other than documents that (1) are privileged and confidential under the attorney-client privilege, the work product doctrine or other legally cognizable privilege; (2) are otherwise being produced in response to this Request for Information; or (3) already in EPA's possession.

15. Identify all liability insurance policies held by Respondent from 1960 to the present. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, nonsudden, or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

Response. AMMH objects to this Request as overbroad and unduly burdensome insofar as it seeks information regarding insurance policies without regard to whether they provide coverage with respect to any releases at the Site. Subject to, limited by, and without waiving this specific objection and AMMH's General Objections, which are incorporated herein by reference, AMMH responds as follows:

The Michigan Plaza property is and has been covered under the Z CHOICE® Real Estate Environmental Liability policy, number ZRE 6692618-00, issued by Steadfast Insurance Company, effective October 1, 2010 to October 1, 2013. A copy of the policy is enclosed in Appendix G, Bates Numbers AMMH002975 through AMMH003090. AMMH will supplement this response as appropriate if it identifies other responsive documents or information.

16. Provide copies of all income tax returns, including all supporting schedules, sent to the Federal Internal Revenue Service in the last five years.

Response. AMMH objects to this request as overbroad and vague as it does not specify which entity's tax returns are requested. Subject to, limited by, and without waiving this specific objection or AMMH's General Objections, which are incorporated herein by reference, AMMH responds as follows:

As a single-member limited liability company, AMMH is a "disregarded entity" for federal tax purposes. As a result, it is not required to file, and has not filed, federal tax returns for the period in question.

17. If Respondent is a Corporation, respond to the following requests:

- a) **Provide a copy of the Articles of Incorporation and By-Laws of the Respondent;**
- b) **Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission;**
- c) **Identify all of Respondent's current assets and liabilities and the person(s) who currently own or is responsible for such assets and liabilities;**
- d) **Identify the Parent Corporation and all Subsidiaries of the Respondent.**

Response. AMMH objects to this Request to the extent it seeks legal conclusions rather than facts. Subject to, limited by, and without waiving this specific objection or AMMH's General Objections, which are incorporated herein by reference, AMMH responds as follows:

AMMH is a limited liability company, not a corporation. Though not technically required by the Request for Information, for your convenience, AMMH provides the following response to each subparagraph of Request Number 17:

- a) Articles of Information/By-Laws. Limited liability companies do not have Articles of Incorporation and By-Laws. However, the equivalent documents would be a certificate of formation and the company's limited liability company agreement. AMMH's certificate of formation and limited liability company agreement are included in Appendix D.
- b) Financial Statements. None. AMMH does not, and for the last five years has not, prepared separate financial statements.
- c) Current Assets and Liabilities. AMMH has no current assets and has no liabilities, other than liabilities for invoices received from its vendors in the ordinary course (e.g., in conducting the voluntary remediation of the Michigan Meadows Apartments and Michigan

Plaza properties).

Responsibility for AMMH's liabilities is set forth in the LLC agreement, enclosed in Appendix D, and governed by the Delaware Limited Liability Company Act and other applicable law.

- d) Parent Corporations. AMMH is directly owned by AIMCO Michigan Apartments, LLC, a Delaware limited liability company. AMMH has no subsidiaries.

18. If Respondent is a Partnership, respond to the following requests:

- a) **Provide copies of the Partnership Agreement;**
- b) **Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission;**
- c) **Identify all of Respondent's current assets and liabilities and the person(s) who currently own or is responsible for such assets and liabilities;**
- d) **Identify all subsidiaries of the Respondent.**

Response. Subject to, limited by, and without waiving AMMH's General Objections, which are incorporated herein by reference, AMMH responds as follows:

AMMH is not a partnership.

19. If Respondent is a Trust, respond to the following requests:

- a) **Provide all relevant agreements and documents to support this claim;**
- b) **Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission;**
- c) **Identify all of Respondent's current assets and liabilities and the person(s) who currently own or is responsible for such assets and liabilities.**

Response. Subject to, limited by, and without waiving AMMH's General Objections, which are incorporated herein by reference, AMMH responds as follows:

AMMH is not a trust.